

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
and Donna J. Clarin,*

Chapter 7
Bky. No. 04-40456

Debtor(s).

**NOTICE OF HEARING AND MOTION
OBJECTING TO CLAIM OF CREDITOR
(CLAIM NO. 8)**

TO: Entities specified in Local Rule 3007-1.

1. Terri A. Georgen-Running, trustee (the "Trustee") of the bankruptcy estate of the above-named Debtor(s) moves the Court for the relief requested below and gives notice of hearing.

2. A hearing will be held on this motion by the Honorable Nancy C. Dreher, Courtroom No. 7 West, 7th Floor - United States Courthouse, 300 S. Fourth Street, Minneapolis, Minnesota on **November 3, 2004 at 10:30 a.m.**, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered not later than October 27, 2004, which is seven (7) days before the hearing date, including intermediate Saturdays, Sundays and legal holidays, or filed and served by mail not later than October 22, 2004, which is ten (10) days before the hearing date, including intermediate Saturdays, Sundays and legal holidays. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, FED. R. BANKR. P. 5005 and Local Rule 1070-1. This is a core proceeding. The petition commencing this Chapter 7 case was filed on February 2, 2004 and is now pending before this court.

5. This motion arises under 11 U.S.C. §§502 and 704, FED. R. BANKR. P. 3002 and 3007 and Local Rule 3007-1. This motion is filed under FED. R. BANKR. P. 9014 and 9014 and Local Rule 9013. The Trustee requests relief with respect to Claim No. 8 filed in the Debtor(s)' case.

6. Bills Equipment ("Claimant") filed a proof of claim on May 20, 2004, asserting an unsecured non-priority claim in the amount of \$16,549.17 (the "Claim"). The Claim reflects that the basis for the obligation is for money loaned/services provided/goods sold to Aitkin County Pallet, Inc. (a corporation owned by the Debtor(s)). There is no documentation to establish that the Debtors personally guaranteed the Claim.

7. As a result, the trustee is unable to determine whether the Claim is properly filed in this case.

WHEREFORE, the Trustee respectfully requests that the Court disallow Claim No. 8 and such other relief as may be just and equitable.

Dated: September 29, 2004

GEORGEN-RUNNING LAW FIRM
A Professional Corporation

By: /e/ Terri A. Georgen-Running
Terri A. Georgen-Running (No. 238338)
P.O. Box 16355
St. Paul, MN 55116
(651) 699-6980
(651) 292-1234 *Facsimile*

ATTORNEYS FOR THE TRUSTEE

VERIFICATION. I, Terri A. Georgen-Running, the moving party named in the foregoing notice of hearing and motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: September 29, 2004

/s/ Terri A. Georgen-Running
Terri A. Georgen-Running, Trustee

For CHAPTER 7, 11 or 12 CASES filed on or after April 1, 2004



45-603 Eye-Ease®
45-303 2-Pack
Made in USA

Atkin County Pallet, Inc
16809 260th Ave
McKath, MN 56350

Acct 2761

Prepared By	Initials	Date
Approved By		

Robert Clarin

1-320-684-2761

Inv

Amnt

Balance

1	5/19/03	7351 (parts)	19984	19984	1
2					2
3	5/29/03	7357 (Rental)	127800	147784	3
4					4
5	6/30/03	7398 (Rental)	170400	318184	5
6					6
7	6/30/03	7404 (CUSTOMER MACHINE REPAIR)	742752	1060936	7
8					8
9	7/31/03	7431 (Rental)	170400	1231336	9
10					10
11	8/29/03	7475 (Rental)	127800	1359136	11
12					12
13	11/28/03	7589 (Shop Repairs to Rental Unit)	295781	1654917	13
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Sent overdue notices

7/1 - 8/1 - 9/1 - 10/1 - 11/28 - 12/2 - 1/26/04

UNITED STATES BANKRUPTCY COURT
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UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Terri A. Georgen, declare that on the date indicated below, I served the following:

(1) Notice of Hearing and Motion Objecting to Claim of Creditor; (2) Unsworn Declaration for Proof of Service; and (3) Proposed Order

upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at St. Paul, Minnesota, addressed to each of them as follows:

UNITED STATES TRUSTEE
1015 U.S. COURTHOUSE
300 SOUTH FORTH STREET
MINNEAPOLIS, MN 55415

BILLS EQUIPMENT
C/O ROBERT KANUIT
KANUIT & BRAY LTD
4815 W ARROWHEAD RD, STE 230
HERMANTOWN, MN 55811

ROBERT A. CLARIN
DONNA J. CLARIN
31095 BAUGH ST. NW
PRINCETON, MN 55371

ROBERT KALENDA, ESQ.
919 W. ST. GERMAIN, STE 2000
ST. CLOUD, MN 56301

And I declare under penalty of perjury that the foregoing is true and correct.

Date: September 29, 2004

e/ Terri A. Georgen-Running

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
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Chapter 7
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ORDER

At Minneapolis, Minnesota, _____, 2004

The above-entitled matter came before the Court on the Objection to Claim of Creditor filed by the Trustee. Appearances, if any, were as noted upon the record. Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Claim No. 8 is disallowed.

Judge Nancy C. Dreher
UNITED STATES BANKRUPTCY JUDGE